

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

ANITA & DOUGLAS SMITH

PLAINTIFFS

VS.

CASE NO. 04-2012

GLAXOSMITHKLINE, PLC;
SMITHKLINE BEECHAM CORP.;
SMITHKLINE BEECHAM CONSUMER
HEALTHCARE, LP; AND WAL-MART
STORES, INC.

DEFENDANTS

ORDER

This case was removed to this Court from Crawford County Circuit Court on January 13, 2004. On March 23, 2004, the case was transferred to the Judicial Panel on Multidistrict Litigation and remanded to this Court on May 30, 2006.

On August 22, 2006, the Court entered an order permitting Plaintiffs' counsel to withdraw after counsel indicated that the attorney-client relationship had deteriorated to the point that Plaintiffs had ceased communicating with counsel. (Doc. 5). The Court granted Plaintiff thirty (30) days to either retain new counsel or to notify the Court that they intended to represent themselves. (Doc. 7). The Court further advised Plaintiffs that their failure to comply with this order might result in the dismissal of their action. (Doc. 7). Plaintiffs failed to comply with this order.

On October 16, 2006, Defendants filed a motion to dismiss to dismiss Plaintiffs' case based upon their failure prosecute and to

comply with this Court's order. (Doc. 8). The Court scheduled a hearing on the motion to dismiss for today's date, December 4, 2006. (Doc. 9). Plaintiffs never responded to Defendants' motion and failed to appear at the scheduled hearing. Accordingly, the motion is GRANTED, and Plaintiffs' case is hereby DISMISSED WITH PREJUDICE as they have failed to prosecute it and failed to comply with Court orders. See Fed. R. Civ. P. 41(b).

IT IS SO ORDERED this 4th day of December 2006.

/s/ Robert T. Dawson

Honorable Robert T. Dawson
United States District Judge